



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23656 of 2021
and
W.M.P.No.24905 of 2021

(Through Video Conferencing)

Thiru S.Rajendran

...Petitioner

Vs

1.The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Salem Division,
Salem District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent relating to S.O.No.141/2020/Pa.2 (Ma. Mu.No.7666/2019/(Pa.2)) Dated 20.07.2020 to quash the same and consequently issue direction to the respondents to issue modified orders sanctioning 233 days of leave on medical certificate in the light of Rule 15 of Tamil Nadu Leave Rules 1933.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

This writ petition is filed to issue a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent relating to S.O.No.141/2020/Pa.2 (Ma. Mu.No.7666/2019/(Pa.2)) Dated 20.07.2020 to quash the same and consequently issue direction to the respondents to issue modified orders sanctioning 233 days of leave on medical certificate in the light of Rule 15 of Tamil Nadu Leave Rules 1933.

2. Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.



3. This Writ Petition is disposed at the time of admission by considering the fact that the impugned order passed in respect of unearned leave for 50 days and earned leave for 183 days appears to be contrary to Rule 15 of the Tamil Nadu Leave Rules, 1933 and contrary to the recommendations of the Medical Board, wherein, the Medical Board has stated the petitioner is entitled for medical leave for about 496 days.

4. The petitioner has sent a representation to the 2nd respondent on 05.08.2020, the same has not received any attention so far. Since the impugned communication dated 20.07.2021 of the 2nd respondent appears to be prima-facie contrary to Rule 15 of the Tamil Nadu Leave Rules, 1933 and also the recommendations of the Medical Board, the impugned communication is quashed with the consequential direction to the respondents to reconsider the representation of the petitioner dated 05.08.2020, afresh and to pass appropriate orders on merits and in accordance with law, duly considering the provisions of Rule 15 of the Tamil Nadu Leave Rules, 1933, and the recommendations of the Medical Board, within a period of 90 days from the date of receipt of a copy of this order.

5. With the above observation, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssn

To

1.The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Salem Division,
Salem District.

+1cc to M/s.T.Dharani, Advocate SR. No.57496

W.P.No.23656 of 2021

SS (CO)

PR (02/12/2021)